

REMARKS

In response to the above identified Final Office Action and Advisory Action, Applicant respectfully requests reconsideration thereof.

Response to Claim Rejections – 35 USC § 103

Claims 1-12, 14-18, 20-23, and 26-29 stand rejected under § 103(a) as allegedly being unpatentable by U.S. Patent No. 6,489,968 (hereinafter Ortega) in view of U.S. Patent No. 6,286,002 (hereinafter Axaopoulos).

Applicant respectfully submits that claims 1-12, 14-18, 20-23, and 26-29 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 1 includes the following limitations:

wherein the first structure of categories does not include the second category and the second structure of categories does not include the first category.

The Advisory Action, in rejecting claim 1, contends that the above limitation is anticipated by the following figure and disclosure in Axaopoulos:

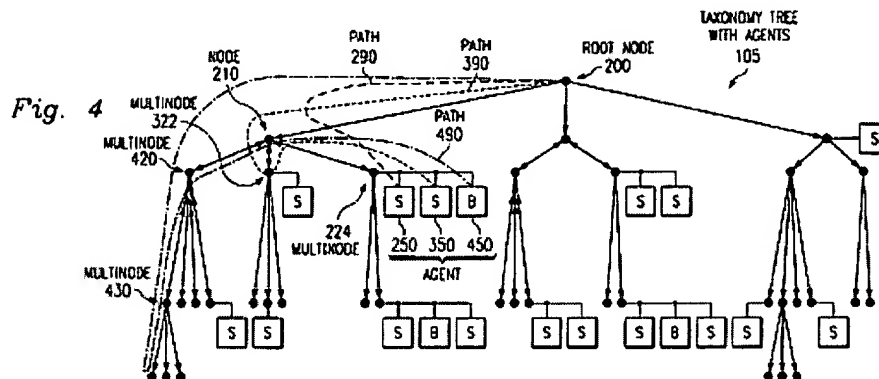


FIG. 4 illustrates a user placing a third agent 450 in the taxonomy tree with agents 105. In this case, the user traverses the path 490. The path 490 goes through the root node 200, the node 210, a multinode 420, a multinode 430, and a multinode 224.

At the end of the path 490, the user places the agent 450 as a buy agent. The buy agent 450 is looking for some product that is associated with the keywords in the path 490. It is important to note that if the agent 450 had been placed at multinode 430, but the user had followed the path through root node 200, root node 210, multinode 224, multinode 420, and multinode 430, the same set of keywords would be associated with the agent 450. Thus, the user would have defined the same set of information of interest by following a different path. That the same needs can be described using multiple paths illustrates the flexibility of the taxonomy tree with agents 105.

Axaopoulos, Col. 11, lines 27-43.

The above quote from Axaopoulos describes a user that traverses a taxonomy tree before placing¹ an agent in the taxonomy tree. The taxonomy tree includes nodes. Some of the nodes are associated with keywords. The user traverses the nodes in the taxonomy tree to identify keywords that describe a product. Placement of the buy agent at a node results in the buy agent looking for the product that is associated with the keywords in the path. The above quote further indicates that placement of the buy agent at multinode 224 (e.g., by traversing the root node 200, node 210, multinode 420, multinode 430, and multinode 224) and placement of the buy agent at multinode 430 by traversing the same nodes; however, by utilizing a different path (e.g., node 200, node 210, multinode 224, multinode 420, and multinode 430) results in the same set of keywords.

Claim 1 requires a first structure of categories that does not include the second category and a second structure of categories that does not include the first category. In contrast, the above quote from Axaopoulos does not disclose a first structure of categories that does not include the second category and a second structure of categories that does not include the first category; but rather, two paths, each path including the same nodes. Indeed, traversing different paths through the same nodes

¹ The taxonomy tree with agents 105 is a searchable tree from which users can locate and place agents that represent the need for or availability of products. The tree includes a number of nodes through which users can refine their definition of their needs. The agents represent programs and/or data structures that, among other features, allow the market place program 104 to maintain a history of a consumer's needs beyond the time in which the user is connected to the market place program 104. Axaopoulos Col. 6, lines 8-16.

will result in two paths that include the same nodes. Axaopoulos therefore cannot be said to anticipate the above quoted limitation because Axaopoulos discloses traversing two paths, each path including the same nodes and claim 1 requires a first structure of categories that does not include the second category and a second structure of categories that does not include the first category.

Independent claims 14, 20, 28 and 29 each include a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of these independent claims.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2-12, 15-18, 21-23 and 26-27 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 24-25 stand rejected under § 103(a) as allegedly being unpatentable by U.S. patent no. 6,489,968 (hereinafter Ortega) in view of U.S. patent no. 6,286,002 (hereinafter Axaopoulos) and in further view of U.S. patent no. 6,381,607 (hereinafter Wu).

Applicant respectfully submits that claims 24-25 should not be rejected under 35 U.S.C. § 103 because if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 24-25 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, Ortega in combination with Axaopoulos does not teach or suggest each and every limitation of claims 1-12, 14-18 and 20-29 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

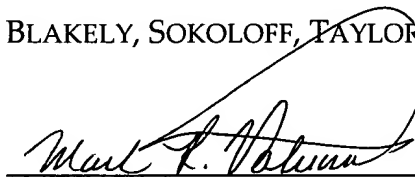
In summary, Applicant believes that all rejections presented in the Advisory Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicant furthermore believes that all claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Mark Vatuone at (408) 947-8200.

Respectfully submitted,

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